

Consideration for preliminary adoption of amendments to 312 IAC 9-7 and 312 IAC 9-8 governing the taking of catfish for both sport and commercial fishing; Administrative Cause No.

The Division of Fish and Wildlife is proposing the administrative rule changes listed below to protect public catfish resources. These proposed changes are in response to public concerns regarding increasing harvest pressure on catfish, recently completed catfish research in the Wabash River, and ongoing, cooperative fish management discussions with other Ohio River states. Currently, there is no limit to the number of large catfish that can be taken by sport and commercial fishing license holders, both in inland waters and the Ohio River.

Streams for both Sport and Commercial Fishing (except the Ohio River)

- Increase the existing 10 inch minimum size limit on channel catfish, flathead catfish and blue catfish to 15 inches for rivers and streams.

Lakes and Streams Statewide for Both Sport and Commercial Fishing (including the Ohio River)

- Allow only one channel catfish to be taken per day that is 28 inches or more in total length.
- Allow only one flathead and one blue catfish to be taken per day that is 35 inches or more in total length.

There are no proposed changes to the daily sport fishing bag limits on streams (including the Ohio River) with the exception of these large catfish, no minimum catfish size limit on the Ohio River, and no change to the daily sport fishing bag limit of ten (10) catfish on lakes (no commercial fishing permitted on lakes).

TITLE 312 NATURAL RESOURCES COMMISSION

Proposed Rule
LSA Document #10-

DIGEST

Amends 312 IAC 9-7-3 by changing the size of catfish that can be taken in a river or stream other than the Ohio River. Amends 312 IAC 9-7-16 by establishing size and bag limits for catfish taken from the Ohio River. Amends 312 IAC 9-8-2 and 312 IAC 9-8-6 governing commercial fishing on the Ohio River and all inland waters by establishing size and bag limits for catfish. Effective thirty (30) days after filing with the Publisher.

312 IAC 9-7-3
312 IAC 9-7-16
312 IAC 9-8-2
312 IAC 9-8-6

SECTION 1. 312 IAC 9-7-3 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-3 Catfish

Authority: IC 14-22-2-6

Affected: IC 14-22

Sec. 3. (a) **This subsection applies only to a river or stream other than the Ohio River and all of its bays and tributaries.** An individual must not take or possess a channel catfish, blue catfish, or flathead catfish from a river or stream unless the catfish is at least ~~ten (10)~~ **fifteen (15)** inches long. An individual may take or possess an unlimited number of channel catfish, blue catfish, or flathead catfish from a river or stream.

(b) Except as otherwise provided in subsection (c) **and (d)**, an individual may take or possess not more than ten (10) catfish in aggregate of any size from a lake or reservoir per day

(c) Notwithstanding subsection (b), an individual may take channel catfish from Gibson Lake (Gibson County) and Turtle Creek Reservoir (Sullivan County) without regard to a bag limit.

(d) Notwithstanding subsections (a), (b), and (c), an individual may take no more than one (1) each of a:

- (1) channel catfish twenty-eight (28) inches in length or longer;**
- (2) blue catfish thirty-five (35) inches in length or longer; and**
- (3) flathead catfish thirty-five (35) inches in length or longer.**

from a river, stream, lake or reservoir.

(Natural Resources Commission; 312 IAC 9-7-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2718; filed May 28, 1998, 5:14 p.m.: 21 IR 3721; filed Dec 26, 2001, 2:40 p.m.: 25 IR 1539; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 2. 312 IAC 9-7-16 AS AMENDED AT _____ IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-7-16 Sport fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22

Sec. 16. (a) This section governs fishing on the Ohio River, excluding all bays and tributaries.

(b) An individual must not take sport fish except by any of the following:

(1) Fishing pole or hand line.

(2) Float fishing.

(3) Setlines:

(A) attached to:

(i) a tree limb;

(ii) a tree trunk;

(iii) a bank pole; or

(iv) the bank itself; and

(B) each bearing one (1) single or multibarbed hook.

(4) Not more than two (2) trotlines per individual. Each trotline shall have not more than fifty (50) single or multibarbed baited hooks placed not closer together than eighteen (18) inches. All trotlines must be tended at least once every twenty-four (24) hours.

(c) An individual may take an exempted species of fish as defined in 312 IAC

9-6-10, by the methods prescribed in subsection (b) or according to the following methods:

(1) Long bow, including compound bow, with an arrow having one (1) or more barbs and a line attached. An exempted species of fish without scales shall not be taken with bow and arrow during nighttime hours (from one-half (½) hour after sunset until one-half (½) hour before sunrise).

(2) Giggling from February 1 through May 10 with any pronged or barbed instrument attached to the end of a rigid object. A person must not take fish by giggling from a boat or platform.

(d) An individual must not take fish within two hundred (200) yards below any dam on the Ohio River except by fishing pole or hand line.

(e) An individual must not take minnows from the Ohio River except by:

(1) a minnow trap not to exceed three (3) feet long and eighteen (18) inches in diameter nor having a throat opening greater than one (1) inch in diameter;

(2) a dip net not to exceed three (3) feet in diameter;

(3) a minnow seine not to exceed thirty (30) feet long and six (6) feet deep nor having mesh size larger than one-fourth (¼) inch bar mesh;

(4) a cast net; or

(5) lawful fishing methods provided in this section.

(f) An individual may take fish in the Ohio River only by sport fishing methods authorized under this section as follows:

	Daily Bag	Possession Limit	Size (Inches)
Bass (largemouth, smallmouth, and spotted)	6	12	12 (except no size limit on spotted bass)
Bass (white, yellow, striped, and hybrids)	30	60	No more than 4 fish can be 15 or longer
Rock bass	15	30	none
Walleye, sauger, and saugeye	10	20	none

Muskellunge and tiger muskellunge	2	2	30
Crappie	30	60	none
Catfish (blue)	unlimited 1	unlimited 2	less than 35 35
Catfish (flathead)	unlimited 1	unlimited 2	less than 35 35
Catfish (channel)	unlimited 1	unlimited 2	less than 28 28

(Natural Resources Commission; 312 IAC 9-7-16; filed May 12, 1997, 10:00 a.m.: 20 IR 2720; errata filed Nov 24, 1997, 4:30 p.m.: 21 IR 1347; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 3. 312 IAC 9-8-2 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-2 Commercial fishing except on the Ohio River; general provisions

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22-14-23

Sec. 2. (a) This section applies to license holders engaged in commercial fishing on:

- (1) waters of the state;
 - (2) boundary waters; or
 - (3) waters containing state-owned fish;
- other than the Ohio River.

(b) For purposes of this section a “license holder” means an individual licensed under IC 14-22-13 to use in, and to possess for use in, the water seines, nets, or other commercial fishing gear authorized in this rule. The term includes an individual commercially fishing while accompanied by the licensee as specified at IC 14-22-13-4.

(c) A license holder may take or sell fish with a commercial fishing license issued under this rule and 312 IAC 9-6-11. A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
 - (2) a searchlight; or
 - (3) an artificial light;
- where lawfully engaged in commercial fishing.

(d) A license holder subject to this rule must not possess trout or salmon.

(e) A license holder must not possess or sell any of the following taken from the waters described in subsection (a):

- (1) Chubs.
- (2) Northern pike.
- (3) Chain pickerel.
- (4) Muskellunge.

- (5) Tiger muskellunge.
- (6) White bass.
- (7) Yellow bass.
- (8) Striped bass.
- (9) Hybrid striped bass.
- (10) Walleye.
- (11) Sauger.
- (12) Saugeye.
- (13) Smallmouth bass.
- (14) Largemouth bass.
- (15) Spotted bass.
- (16) Bluegill.
- (17) Redear sunfish.
- (18) Rock bass.
- (19) Crappie.
- (20) American eel.
- (21) Paddlefish.
- (22) Lake sturgeon.
- (23) Lake herring.
- (24) Blue catfish less than ~~ten (10)~~ **fifteen (15)** inches long.
- (25) Channel catfish less than ~~ten (10)~~ **fifteen (15)** inches long.
- (26) Flathead catfish less than ~~ten (10)~~ **fifteen (15)** inches long.
- (27) Lake whitefish less than eighteen (18) inches long.
- (28) Yellow perch.

(f) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches in fork length only from October 1 through May 31.

(g) A license holder may take and sell only one (1) each of the following per day:

- (1) channel catfish twenty-eight (28) inches in length or longer;**
- (2) blue catfish thirty-five (35) inches in length or longer; and**
- (3) flathead catfish thirty-five (35) inches in length or longer.**

(h) A license holder who possesses or sells a fish described in this section must comply with 312 IAC 9-6-11.

~~(h)~~ **(i) A license holder must report fish catches as follows:**

(1) A license holder under this section shall keep accurate daily records on a departmental form of the following:

- (A) The pounds and species of fish caught.
- (B) The number of pieces of each type of gear fished by date.
- (C) The county fished.

The license holder shall submit the completed form to the division by the fifteenth day of each month for the preceding month whether the license holder fished or not. The license holder shall allow onboard and dockside inspections of the gear and catch at any time by the director or the director's representative.

(2) A license holder for Lake Michigan must comply with the reporting requirements of IC 14-22-14-23 and section 3(h) of this rule.

(Natural Resources Commission; 312 IAC 9-8-2; filed May 12, 1997, 10:00 a.m.: 20 IR 2721; filed May 28, 1998, 5:14 p.m.: 21 IR 3724; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA)

SECTION 4. 312 IAC 9-8-6 IS AMENDED TO READ AS FOLLOWS:

312 IAC 9-8-6 Commercial fishing on the Ohio River

Authority: IC 14-10-2-4; IC 14-22-2-6; IC 14-22-13

Affected: IC 14-22-13-4

Sec. 6. (a) This section applies to license holders engaged in commercial fishing on the Ohio River as authorized under IC 14-22-13.

(b) "License holder" means an individual licensed under IC 14-22-13 to use in, and to possess for use in, the water:

- (1) seines;
- (2) nets; or
- (3) other commercial fishing gear.

The term includes an individual commercially fishing while accompanied by the licensee as specified at IC 14-22-13-4.

(c) A license holder shall not take or sell fish except in accordance with IC 14-22-13, this section, and 312 IAC 9-10. A license holder may take fish with the aid of illumination of:

- (1) a spotlight;
- (2) a searchlight; or
- (3) an artificial light;

where lawfully engaged in commercial fishing.

(d) A license holder under this section ~~may take and~~ **must not possess or sell all species of fish any of the following taken** from the Ohio River ~~except the following~~:

- (1) Largemouth bass.
- (2) Smallmouth bass.
- (3) Spotted bass.
- (4) Rock bass.
- (5) White crappie.
- (6) Black crappie.
- (7) Walleye.
- (8) Sauger.
- (9) Saugeye.
- (10) Striped bass.
- (11) White bass.
- (12) Hybrid striped bass.
- (13) Yellow bass.
- (14) Muskellunge.
- (15) Northern pike.
- (16) Tiger muskellunge.
- (17) Chain pickerel.
- (18) Lake sturgeon.
- (19) Trout.
- (20) Salmon.

(e) A license holder may take and sell shovelnose sturgeon that are at least twenty-five (25) inches in fork length only from October 1 through May 31.

(f) A license holder may take and sell paddlefish that are at least thirty-two (32) inches in eye to fork length only from November 1 through April 30. The cutting or mutilation of live paddlefish to check for eggs is prohibited except that a 10-gauge needle may be inserted into the abdomen between the pectoral and pelvic fins to determine the presence of eggs.

(g) **A license holder may take and sell only one (1) each of the following per day:**

- (1) channel catfish twenty-eight (28) inches in length or longer;**
- (2) blue catfish thirty-five (35) inches in length or longer; and**
- (3) flathead catfish thirty-five (35) inches in length or longer.**

(h) A license holder under this section must tag each item of gear so that a conservation officer may determine if the:

- (1) gear is properly licensed; and
- (2) license holder is complying with the law.

~~(h)~~(i) No person shall possess a seine, net, or commercial trotline except as authorized with a valid commercial fishing license for the Ohio River. This subsection does not apply to a manufacturer, retailer, or wholesale dealer who possesses gear exclusively for sale.

~~(j)~~ (j) Commercial fishing nets authorized under this section cannot be used on a bay or inlet of the Ohio River. A line drawn from point to point of a bay or inlet denotes the limits of the fishing zone.

Commercial gear cannot be used within fifty (50) yards of the mouth of a stream. Commercial gear, except slat traps, cannot be used in the following locations:

- (1) John T. Myers Dam downstream to the outer lock wall and the portion of the split channel around the southern part of Wabash Island from the fixed weir dam to the first dike.
- (2) Newburgh Dam downstream to the end of the outer lock wall.
- (3) Cannelton Dam downstream to the end of the outer lock wall.
- (4) McAlpine Dam downstream to the K and I railroad bridge.
- (5) Markland Dam downstream to the end of the outer lock wall.

~~(j)~~ (k) Each item of fishing gear in use must be tended not less frequently than once every twenty-four (24) hours and all fish taken by the gear removed, except that baited hoop nets or slat traps may be left unattended for not more than seventy-two (72) hours. Each item of gear must be removed from the waters in which the item was fished immediately upon usage.

~~(k)~~ (l) Gear is authorized only as set forth as follows:

- (1) Lines and mesh must be made of:
 - (A) linen;
 - (B) cotton; or
 - (C) a flexible synthetic fiber.
- (2) The following restrictions apply to a hoop net, wing net, straight lead net, or heart lead net:
 - (A) Each net described in this subdivision must have a minimum bar mesh size of one (1) inch.
 - (B) Hoops may be any size, shape, or material.
 - (C) The maximum length of the lead or wing is sixty (60) feet.
 - (D) One (1) tag must be attached to the front hoop of each net.
- (3) The following restrictions apply to a gill or trammel net:
 - (A) The minimum bar mesh size that can be fished from November 1 through April 30 is four (4) inches.
 - (B) The only bar mesh size that can be fished from May 1 through October 31 is from four (4) inches to four and one half (4 1/2) inches.

- (C) The nets referenced in this subdivision may be fished weighted or as a flag net.
 - (D) A tag must be attached to the net at intervals not less than one hundred (100) feet apart.
 - (4) The following restrictions apply to a commercial trotline:
 - (A) Each line must have more than fifty (50) hooks placed not closer than eighteen (18) inches apart.
 - (B) One (1) tag must be attached.
 - (C) The trotline must be:
 - (i) not longer than three thousand (3,000) feet, including staging; and
 - (ii) fished separately rather than tied in a continuous line.
 - (5) The following restrictions apply to a seine:
 - (A) A seine must have the following:
 - (i) A minimum bar mesh size of one (1) inch.
 - (ii) Both float and lead lines.
 - (iii) Wood, fiberglass, metal poles, or brails attached to each end.
 - (B) A seine in the water must be attended by individuals pulling the seine through the water for the entrapment of fish.
 - (C) A seine must have a tag attached at intervals not less than one hundred (100) feet apart.
 - (6) The following restrictions apply to a slat trap basket:
 - (A) No wire or other mesh may be added to the trap.
 - (B) At least two (2) openings not less than one and one-fourth (1 1/4) inches wide must be located between the slats. These openings shall not be restricted by cross-bracings shorter than eight (8) inches long.
 - (C) The trap shall be not larger than two (2) feet in diameter or square end measure.
 - (D) A tag must be attached to the open ring or square.
 - ⊕ (m) A license holder must do the following:
 - (1) Keep accurate daily catch records on a departmental form of the following:
 - (A) The pounds and species of fish caught by gear type.
 - (B) The number of paddlefish and shovelnose sturgeon caught by gear type.
 - (C) The pounds of paddlefish, shovelnose sturgeon, sucker, and eggs sold.
 - (D) The location fished by pool, river mile, and county.
 - (2) Submit to the department the completed form required under subdivision (1) by the fifteenth day of each month for the preceding month whether the license holder fished or not.
 - (3) Allow on-board and dockside inspection of the gear and catch at any time by the director or the director's representative.
- (Natural Resources Commission; 312 IAC 9-8-6; filed May 12, 1997, 10:00 a.m.: 20 IR 2725; filed May 28, 1998, 5:14 p.m.: 21 IR 3727; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; filed Feb 27, 2007, 2:25 p.m.: 20070328-IR-312060262FRA; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Aug 28, 2009, 3:39 p.m.: 20090923-IR-312080886FRA)*